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FEDERAL COMMUNICATIONS COMMISSION  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

ORIGINAL  
FILE

In the Matter of )  
 )  
Amendment of Part 90 ) PR Docket No. 92-209  
of the Commission's Rules )  
to Expand Coordination ) RM-7965  
of the 800 MHz )  
General Category Channels )

To: The Commission

COMMENTS  
OF THE  
COUNCIL OF INDEPENDENT COMMUNICATION SUPPLIERS

The Council of Independent Communication Suppliers ("CICS"), pursuant to the Federal Communications Commission's Notice of Proposed Rule Making in the above-referenced matter, hereby respectfully submits these Comments responsive to the Commission's proposal to modify the coordination procedures for the 800 MHz General Category channels.<sup>1</sup>

I. PRELIMINARY STATEMENT

1. The Council of Independent Communication Suppliers is an unincorporated association of entities engaged in serving the needs of private radio eligibles, particularly those located in small and rural communities throughout the United States. CICS' membership is open to SMR operators, radio dealers, equipment suppliers, and

<sup>1</sup> Notice of Proposed Rule Making (FCC 92-430), adopted September 9, 1992, released October 6, 1992).

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consultants. CICS was formed to provide these entities a voice in the policy-making process governing use of the electromagnetic spectrum, especially spectrum allocated to the private land mobile radio services. CICS is an independent membership market council of the Industrial Telecommunications Association, Inc. ("ITA").

## II. BACKGROUND

2. In this proceeding, the Commission proposes to permit applicants for conventional Specialized Mobile Radio ("SMR") systems on General Category frequencies to obtain service from any of the three recognized frequencies coordinators for 800 MHz, the Special Industrial Radio Service Association, Inc. ("SIRSA"),<sup>2</sup> the National Association of Business and Educational Radio, Inc. ("NABER"), and the Associated Public-Safety Communications Officers ("APCO"). The Commission's proposal results from a Petition for Rule Making filed by SIRSA on February 4, 1992.

3. The underlying Petition for Rule Making noted that when SMR licensees wish to combine conventional SMR systems into a trunked system, they may obtain frequency coordination from any of the three certified 800 MHz coordinators. In contrast, under

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<sup>2</sup> Subsequent to the Commission's release of its Notice of Proposed Rule Making in this proceeding, SIRSA changed its name to the Industrial Telecommunications Association, Inc. ("ITA").

current Commission policy, an applicant for a conventional SMR system is limited to obtaining frequency coordination from one coordinator, NABER. The Petition for Rule Making noted that there was no factual justification for this inconsistency.

4. In its Notice of Proposed Rule Making, the Commission agreed that "there is no apparent justification for the distinction in coordination procedures between conventional and trunked SMR systems licensed on the General Category channels." The Commission also expressed concern that applicants requesting General Category channels for conventional SMR operations may be at a competitive disadvantage to applicants seeking these same channels for expansion or consolidation of trunked SMR systems. The reason for this concern, the Commission stated, was that the present system deprived SMR applicants for a conventional system of the flexibility to choose the coordinator that best served its requirements.

### III. COMMENTS

5. In public policy matters as well as in other areas, CICS subscribes to the philosophy that members of the public should enjoy maximum flexibility in the selection of desired services, unless other factors, such as a genuine natural monopoly, dictate a contrary result. Where the coordination of applications for

conventional SMR systems is concerned, there is clearly no natural monopoly.

6. As the Commission has properly noted, any one of the three recognized coordinators for the 800/900 MHz frequencies may coordinate applications filed by licensees to form a trunked SMR system using the General Access channels. This fact, in and of itself, illustrates that there is no need to limit applicants for conventional SMR systems to a single frequency coordinator.

7. Marketplace considerations aside, there are practical reasons why the Commission should permit applicants for conventional SMR systems to use any one of the three recognized 800/900 MHz coordinators. At any one time, there may be some disparity among the three coordinators in terms of the time required for coordinating applications. This disparity could be due to any number of factors, whether it be pending workload, availability of staff resources, or normal fluctuations relating to the flow of applications. Additionally, some applicants establish a useful rapport over time with certain coordinators and are more comfortable in dealing with those same coordinators on a consistent basis.

8. It is CICS' view that applicants for conventional SMR systems should be able to select the particular frequency

coordinator best poised to provide timely service and the desired level of service. The Commission's proposal in this proceeding, if implemented, would permit applicants for conventional SMR systems to exercise their discretion in selecting a coordinator. Upon examining the current situation, the Commission has concluded that there is no real public interest purpose for restricting conventional SMR applicants to a single frequency coordinator and, more importantly, no benefit to be gained from perpetuating this system. CICS concurs wholeheartedly with the Commission's assessment. Therefore, CICS strongly supports the Commission's proposal and urges the Commission to proceed expeditiously to implement the proposed change to Section 90.615.

#### IV. CONCLUSION

9. CICS is enthusiastically supportive of the Commission's proposal in this proceeding. Adoption of the proposed rule change would allow all applicants for conventional SMR systems to have greater flexibility in the selection of frequency coordinators and, in turn, greater control over the disposition of their applications. CICS urges immediate adoption of the proposal in this proceeding.

**WHEREFORE, THE PREMISES CONSIDERED,** the Council of Independent Communication Suppliers respectfully submits the foregoing

Comments in this matter and urges the Federal Communications Commission to act in a manner consistent with the views expressed herein.

**COUNCIL OF INDEPENDENT  
COMMUNICATION SUPPLIERS**

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